

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

****ATTORNEYS' EYES ONLY****

VIDEOTAPED DEPOSITION OF TRAVIS KALANICK

San Francisco, California

Thursday, July 27, 2017

Volume I

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2665725

PAGES 1 - 329

08:28:53

1 or after the meeting about his admission that he
2 downloaded files?

3 MS. DUNN: Objection to form.

4 THE DEPONENT: I don't remember a
5 specific discussion, but I do -- I do remember like 08:28:58
6 hearing that, Did any files get to Uber? And doing
7 everything we can to make sure they didn't.

8 Q. (By Mr. Verhoeven) Were you aware prior
9 to the meeting that Mr. Levandowski had Google
10 files that he'd taken with him? 08:29:19

11 MS. DUNN: Objection to form.

12 THE DEPONENT: We had -- we had -- there
13 was a discussion during -- during the deal phase in
14 the March time frame -- this is 2016 -- where he
15 had -- where he had told a group of people, and I 08:29:41
16 was in that meeting, that he had some discs and
17 some content from his previous employer.

18 Q. (By Mr. Verhoeven) What did he --

19 A. Backup discs, or something like that.

20 Q. Did he say "backup discs"? 08:29:59

21 A. I think so.

22 Q. And what did he say about what was on
23 those discs?

24 A. He didn't.

25 Q. Did he -- did he indicate that those 08:30:08

Page 23

08:30:10

1 discs contained Google files?

2 A. He indicated that they had some kind of
3 content from his previous employer.

4 Q. Okay. He didn't say they have some kind
5 of content, did he?

08:30:20

6 A. I don't know what his specific words
7 were.

8 Q. Okay. And did you say anything in
9 response to that?

10 A. I did.

08:30:30

11 Q. What did you say?

12 A. I said that he -- we -- that we, as a
13 whole, need to make sure that that content does not
14 make it to Uber, and that he needs to talk to
15 attorneys to figure out how to make sure that's
16 done properly.

08:30:43

17 Q. But you don't remember at this meeting
18 asking him what is it that's on the files?

19 A. No.

20 Q. You don't remember asking him about any
21 of the circumstances surrounding the files?

08:31:11

22 A. No, I do not. I just wanted to make sure
23 that files from his previous employer or anywhere
24 else were not making it to Uber.

25 Q. Did anyone -- who else was at the

08:31:27

Page 24

08:31:28

1 meeting?

2 A. Cameron. I am trying to think who else.

3 Nina. Anthony was there. I was there.

4 There may have been others. I don't -- I

5 don't remember.

08:31:47

6 Q. This was an in-person meeting?

7 A. Yeah.

8 Q. Where was it?

9 A. It was at Uber HQ, 1455 Market Street.

10 Q. Why would Mr. Levandowski tell you at
11 this meeting that he had had five discs of Google
12 files?

08:32:03

13 MS. DUNN: Objection to form.

14 THE DEPONENT: I don't know why he told
15 us. But it's important when you do a deal that
16 people sort of disclose if there's any -- any
17 things that need to be discussed before a deal is
18 consummated.

08:32:15

19 Q. (By Mr. Verhoeven) Were there some
20 circumstances that made it appropriate at this
21 meeting for him to disclose that, that you're aware
22 of?

08:32:30

23 A. I don't remember. I don't remember
24 anything specific.

25 Q. What was the purpose of the meeting?

08:32:38

Page 25

08:32:45

1 A. You know, I think as we get closer to
2 deals, we have to have discussions about, Okay,
3 what are the things we need to do to get a deal
4 done?

08:32:53

5 I don't -- I don't know the specific
6 purpose though.

7 Q. You don't remember?

8 A. No.

9 Q. Going back to the all-hands meeting --

08:33:05

10 A. Yeah.

11 Q. -- you don't remember having a discussion
12 with Mr. Levandowski after he made his
13 presentation?

14 A. I mean, I've had many discussions with
15 Levandowski like over the years.

08:33:19

16 Q. I meant -- I meant -- let me --

17 A. Yeah.

18 Q. I'm sorry. The question was vague.

19 A. Yeah.

20 Q. You don't remember any conversation
21 during the meeting, after he made the presentation,
22 with Mr. Levandowski?

08:33:26

23 A. Well, the meeting was -- I mean, the
24 meeting wasn't a discussion between him and me.

25 The meeting was us sort of speaking to the company.

08:33:38

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [x] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: July 28, 2017

22
23 

24 Rebecca L. Romano, RPR,
25 CSR. No 12546